

**Appl. No. 09/997,036**

**Amdt. dated April 22, 2010**

**Reply to Non-Compliant Amendment of March 26, 2010**

## **REMARKS**

Patentees have received a Notice of Non-Compliant Amendment dated March 26 2010, in which the Examiner considered the amendment dated November 5, 2009 to be non-compliant. The amendment dated November 5, 2009, was provided in response to the Office Action dated June 11, 2009 in which the Examiner: 1) rejected claims 38-109 as based upon a defective reissue oath/declaration; and 2) objected to the amendments presented on November 7, 2008, for inclusion of underlining and brackets.

Patentees acknowledge with appreciation the allowability of claims 1-109 with filing of a proper oath/declaration and compliant amendments that overcome the objections set forth in the Office Action.

### **I. STATUS OF THE CLAIMS**

Claims 1-37 are original claims. Claims 34 and 35 were previously amended. Claims 38-109 are previously added new claims. Claims 110-210 were previously withdrawn by restriction requirement and thereafter cancelled. This paper incorporates in claim 21 changes previously presented in a certificate of correction, and includes no new amendments to the claims.

### **II. RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT**

The Examiner considered the amendment dated November 5, 2009 to be a non-compliant amendment for failing to include/present a complete listing of all the claims as required by 37 C.F.R. § 1.121. However, Patentees point out that amendments in a reissue application are governed by 37 C.F.R. § 1.173, which with regard to claim amendments requires only that “[a]n amendment paper must include the entire text of each claim being changed by such amendment paper and of each claim being added by such amendment paper.” 37 C.F.R. § 1.173 (b)(2). The recitation “such amendment paper” refers only to “the current amendment.” MPEP § 1453 II (A)-(B). However, to advance prosecution of the present application, Patentees have provided a complete listing of the claims as requested by the Examiner, and further explained in the interview conducted with Examiner Tran on April 21, 2010.

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Pursuant to the instructions provided in the Notice of Non-Compliant amendment and the interview of April 21, 2010, Patentees have 1) included a listing of claims 1-109; 2) underlined claims 38-109 which were added in reissue; and 3) incorporated the certificate of correction issued to Patent No. 6,046,968 in claim 21. As the Examiner pointed out in the Notice of Non-Compliant Amendment, incorporating the certificate of correction does not present a modification to claim 21 over the corrected claim of the patent. Thus, this paper presents no modifications to any of the claims.

**III.    OBJECTIONS TO THE AMENDMENTS TO THE SPECIFICATION  
AND CLAIMS IN THE OFFICE ACTION DATED JUNE 11, 2009**

The amendments presented above (specification and claim 21) incorporate changes specified in a certificate of correction issued to Patent No. 6,046,968 on October 26, 2004. These amendments are intended to present no changes to the specification and claims other than those specified by the above referenced certificate of correction.

**IV.    OATH/DECLARATION**

A supplemental declaration has been provided that identifies at least one error in a specific claim relied on to support the reissue application. Specifically, the original patent failed to claim, in any of claims 1-37, a "clock reference structure having a spatial frequency that is within the spatial frequency spectrum of the data."

**V.    CONCLUSION**

It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net

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addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,

/David M. Wilson/

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